

FILED
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT 2010 OCT -1 P 3:09

DISTRICT OF UTAH, CENTRAL DIVISION DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

CATHLIN PEEL,

Plaintiff,

v.

DANIEL J. ROSE, et al.,

Defendants.

ORDER

Case No. 2:09-cv-1017

Judge Clark Waddoups

Magistrate Judge Brooke C. Wells

This case was assigned to United States District Court Judge Clark Waddoups, who then referred it to United States Magistrate Brooke C. Wells under 28 U.S.C. § 636(b)(1)(B). On September 9, 2010, Judge Wells issued a Report and Recommendation, recommending that Defendant Daniel J. Rose's ("Rose") Motion to Dismiss be granted.¹ Plaintiff Cathlin Peel ("Peel") filed no objection to the Report and Recommendation. After having reviewed the record, the court hereby APPROVES AND ADOPTS Judge Wells' Report and Recommendation in its entirety. Accordingly, Rose's Motion to Dismiss is GRANTED.²

After Judge Wells issued her Report and Recommendation, Rose filed a Memorandum in Support of his Motion to Dismiss. In his memorandum, Rose requests that the court order Peel and attorney "Ross K. Moore to appear and show cause why they should not be held in criminal

¹ Docket No. 67.

² Docket No. 66.

contempt.”³ Rose contends that a fine or incarceration is warranted to deter frivolous lawsuits. The court DENIES Rose’s request.

This case is now closed, each party to bear his or her own costs.

SO ORDERED this 6th day of October, 2010.

BY THE COURT:



Clark Waddoups
United States District Judge

³ Memo. in Support of Mot. to Dismiss, ¶ 6 (Docket No. 68).